

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WISCONSIN

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|------------------------------|---|-------------------------|
| PROMEGA CORPORATION, |) | |
| |) | No. 3:12-cv-49 |
| <i>Plaintiff,</i> |) | |
| v. |) | Judge Richard A. Posner |
| |) | |
| APPLIED BIOSYSTEMS, LLC., |) | |
| LIFE TECHNOLOGIES CORP., and |) | |
| CALIFORNIA INSTITUTE |) | |
| OF TECHNOLOGY, |) | |
| <i>Defendants.</i> |) | |

ORDER OF MARCH 22, 2013

On Thursday, March 22, I held a status conference in Chicago, IL, with the parties in this case. Following up our conference, I order:

1. The parties having consented, this case will be transferred from the Western District of Wisconsin to the Northern District of Illinois pursuant to 28 U.S.C. § 1404(a). All relevant documents will continue to be docketed in the Western District of Wisconsin until the parties receive notification that the venue transfer has been finalized. Once transferred, the parties may file their protective order in the Northern District of Illinois.
2. Motions practice in this litigation shall proceed as follows: Any motions filed during a week shall be filed by the close of business on Friday; responses are due the following Monday. Motions and responses shall not exceed 1500 words without my authorization in advance.
3. There will be no regularly scheduled status conferences. If there is an issue that the parties feel requires a conference or oral argument, they will jointly send an email explaining the issue and the necessity of a hearing or conference.
4. I will hear oral argument regarding claim construction and the parties' cross-motions for summary judgment on Thursday, March 28. The hearing will be held in Room 1225 of the Dirksen Federal Building in Chicago, and will begin at 9:30 am.

The hearing will first address claim construction. Promega will argue first and may reserve time for rebuttal. Each side will have a maximum of 20 minutes to address the construction of "method of nucleic acid sequence analysis," 10 minutes to address "oligonucleotide," and up to 5 minutes for each other term.

I will then hear argument on Promega's motions for summary judgment, and finally on Life Tech's. Each side will have a maximum of 10 minutes per summary judgment motion.

The court will consider the full record of exhibits submitted with the parties' motions, but should either side wish to quote or focus on a limited set of exhibit excerpts at oral argument, they may submit 5 courtesy copies of the exhibits no later than close of business Tuesday, March 26.

5. The parties shall have their experts jointly nominate two potential experts in the relevant field, preferably academics, who are agreeable to all parties and could serve as court-appointed neutral experts (pursuant to Fed. R. Evid. 706) to explain the technology at issue in this case to a jury at trial. The nominations are due by April 15.

6. *Daubert* challenges, if any, shall be filed by May 15, 2013.

7. The parties shall file any challenges to standing by May 15, 2013.

A handwritten signature in black ink, appearing to read "Richard A. Posner". The signature is fluid and cursive, with the first name "Richard" and last name "Posner" being the most legible parts.

United States Circuit Judge

March 22, 2013